

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

DTV Consumer Education Initiative)

)

)

)

)

)

)

)

)

MB Docket No. 07-148
(FCC 07-128)

Comments of the

Federal Communications Commission's

CONSUMER ADVISORY COMMITTEE

Table of Contents

I. INTRODUCTION

3

II. THE CHALLENGE BEFORE THE NATION IS DAUNTING 7

A. Most Americans Have Not Made the
7 Transition to Digital TV Technology

B. People With Disabilities Face Extra Hurdles
8

C. At-Risk Consumers Are Also Hardest to Reach
9

D. Americans Remain Unaware of the Transition 10
to Digital Television

III. THE COMMISSION MUST ADOPT THE LEADERSHIP 13 POSITION IN THE DTV EDUCATIONAL CAMPAIGN

A. The DTV Campaign Must Be Televised 15

B. Electronically Filed Reports Will Help Track Delivery 20
of the DTV Education Message and Broadcasters Public
Service

C. MVPDs Have a Role in the DTV Education 21
Campaign and Their Consumers Must Not Be
Harmed by the DTV Transition

D. Electronics Manufacturers Have a Role in the
23 DTV Education Campaign and Electronics

Consumers Must Not Be Harmed by DTV Transition by
Manufacturer Information

E. Electronics Retailers Have a Role in the DTV

24 Education Campaign and Electronics

Consumers Must Not Be Harmed by DTV Transition by Retail
Information

F. DTV.gov Partners Have a Special Responsibility 26
to Educate DTV Consumers

G. The Commission Must Do Everything in its Capacity 28

H. The Commission Should Ensure Coordinated 30

Efforts to Resolve Technical Problems Associated with
Closed Captioning so that Consumers with Hearing
Loss are Not Harmed by the DTV Transition

IV. CONCLUSION

32

APPENDIX A: DATA ON DTV TECHNOLOGY PENETRATION

I. INTRODUCTION

Pursuant to the Notice of Proposed Rulemaking (“NPRM”) adopted by the Commission on July 21, 2007 seeking comments on several proposals relating to consumer education about the digital television (“DTV”) transition, the Federal Communications Commission’s Consumer Advisory Committee (“CAC”) hereby submits these comments.

On June 8, 2007, the Commission announced the re-chartering and appointment of members of its Consumer Advisory Committee, a federal advisory committee that addresses consumer issues within the jurisdiction of the Commission. The CAC is organized under, and operates in accordance with, the provisions of the Federal Advisory Committee Act. The comments below reflect the recommendations of a majority of CAC members. Many CAC member organizations may file separate comments in this proceeding which may not be in complete agreement with this filing. One CAC member, for example, has already sent the Commission and the CAC a letter outlining the organization’s voluntary DTV transition education

efforts.

The principal current focus of the CAC is the digital television transition as the Commission continues its efforts to assist consumers in understanding and preparing for the transition which, by law, must be completed by February 17, 2009. Through its work, the CAC provides valuable insights that should further the Commission's goal of ensuring that all consumers, especially the elderly, low-income, non-English speaking consumers and people with disabilities, are aware of the transition and understand what specific steps, if any, they must take to continue to be able to watch television after the DTV transition is complete. The CAC is charged with providing the Commission with specific recommendations on how the Commission can best ensure a smooth transition. CAC concerns include consumer protection, education, inclusion and involvement; access by people with disabilities; and the impact of new and emerging technologies on consumers.

In this NPRM, the Commission seeks comment on whether there are additional steps which the Commission can and should take to make consumers aware of the hard deadline of February 17, 2009 for the end of full-power analog broadcasting. Specifically, the Commission is responding to a letter from Congressional leaders asking if the Commission should adopt rules requiring A) television broadcasters to air public service announcements, B) broadcast licensees to report their consumer education efforts, C) multichannel video programming distributors (MVPDs) to insert periodic notices in customer bills that inform consumers about the digital television transition and future viewing options, D) manufacturers to include information about the transition with television receivers and related devices, E) retailers who participate in the converter box coupon program to detail their employee training and consumer information plans, F) partners identified on the Commission's digital television Web site to report their specific consumer outreach efforts, and G) additional proposals mentioned in the Letter including broadcaster public file requirements or other public announcements, notice requirements by telecommunications carriers that receive funds under the Low Income Federal universal service program, or

reporting requirements by 700 MHz auction winners.

For each proposal, the FCC asks for comments concerning: 1) the Commission's authority to implement the proposal; 2) the likely effectiveness of the proposal (i.e., whether it would appreciably increase public awareness and understanding of the DTV transition); 3) the best methods of implementation; 4) the policy implications; and 5) constitutional concerns.

In reports to Congress, the Commission has outlined a three-prong effort to advance the DTV transition and promote consumer awareness: 1) get the right rules in place to facilitate a smooth transition, 2) enforce those rules to protect consumers, and 3) promote awareness of the transition through consumer education and outreach efforts.

In the comments that follow, the CAC recommends that these three prongs not function as silos, but as interrelated efforts.

Consumers must be made aware of more than the February 2009 deadline and the options available to them to continue television viewing: consumers must also be aware that the "right rules" are in place so that they will not be harmed by the DTV transition.

Moreover, outreach and educational efforts must be interactive; consumers know best how television serves their needs and the Commission should be listening to consumers now to ensure that the "right rules" are in place to ensure America's television broadcasting system is at least as vibrant as it is before the transition, hopefully, more so. And, as with all regulation, the "right rules" are meaningless if not properly enforced. The Commission must remain vigilant in enforcing rules so that consumers are aware of their rights and protected from unscrupulous vendors, access by people with disabilities is ensured, and the transition has a positive impact on consumers.

II. THE CHALLENGE BEFORE THE NATION IS DAUNTING

Never in the history of American broadcasting have we faced such a monumental task. Television has never played a more important role

in our lives. It is our primary source of news and entertainment and emergency alerts. But digital television signals are not compatible with analog TV sets in most American homes. These sets will go dark on February 18, 2009. In order for the DTV transition to be successful, consumers must be well-informed and primed to adapt successfully to the new technology. This cannot occur unless there is a comprehensive, coordinated and robust national consumer outreach effort.

A. Most American Have Not Made The Transition To Digital TV Technology

The vast majority of US consumers have not yet made the transition to digital TV technology. By January 1, 2008, Nielsen estimates there will be 112.8 million TV households in the US. By the end of 2007, perhaps just over one-third of these households may have a digital television. Moreover, there are concerns that even today's cable TV subscribers are at some risk of losing broadcast TV service on one or all of their televisions at the end of the DTV transition.

Bruce Leichtman, president and principal analyst for Leichtman Research Group, Inc., said "With the digital transition now less than two years away, much work clearly still needs to be done to prevent millions of TV sets from going dark in February 2009."
[emphasis added]

B. People With Disabilities Face Extra Hurdles

Even for those consumers who have made the switch to digital TV technology, the transition still may leave them in the dark. In June 2007, the Commission issued a Consumer Advisory noting its concerns that consumers may experience difficulty in receiving and/or viewing closed captioning on some digital television programming, including HDTV, provided by a programming distributor such as a cable company or a satellite television provider. In fact, numerous problems already have been documented, including overlapping captions (two lines of captions displayed over each other), captions appearing in the middle of the television screen (blocking faces and other important information on the screen), garbled captions, captions running off the edge of the picture,

captions exceedingly small, and captions that inadvertently switch to text mode which causes 95% of the screen image to be obscured. These failures have their roots in any of a dozen possible technical causes and there is no way for consumers to be able to track down these problems. Technical failures associated with accessing and reading captions may stem from problems with local broadcast station signals, local cable provider transmissions, broadcast and cable network transmissions, maladjustment of consumer equipment that is purchased or leased from cable or satellite companies, satellite transmission signals, and/or improper encoding and transmission by caption providers. Finally, new interfaces on digital televisions have made accessing and activating captions difficult, and sometimes impossible for consumers, with consumers finding themselves in the predicament of having to wade through several menu layers in order to access closed captioning controls. This has become particularly frustrating for consumers attempting to use digital televisions in hotels or hospitals, and at homes of family and friends where they are not accustomed to the television set-up. Similarly, problems accessing video descriptions have also been experienced. For example, it is not clear that set top boxes or other digital video equipment are capable of receiving, displaying and passing through video description because there has been insufficient material available for testing.

C. At-Risk Consumers Are Also Hardest To Reach

The consumers most at risk of losing TV service after the transition are the most vulnerable in our communities and the hardest to reach. In 2005, the Government Accountability Office (GAO) found that 21 million homes — nearly one in five of all television-equipped households — rely on free, over-the-air broadcasts. Of these households, almost half have annual incomes of less than \$30,000, and two-thirds are headed by either an individual over age 50 or a native Spanish speaker.

D. Americans Remain Unaware Of The Transition To Digital Television

Most Americans remain unaware of the DTV transition. On January 31, 2007, APTS released survey results finding that the majority

of U.S. households that receive their television signals over the air are still unaware of the digital TV transition even though an estimated 22 million over-the-air homes need to make some kind of digital decision by February 17, 2009. The bulk of the survey participants—61 percent—had no idea that the DTV transition was taking place. Ten percent said they had limited awareness, while 25 percent said they were somewhat aware or very aware. While some respondents were aware of the digital transition, 53 percent had no idea when analog transmissions were scheduled to be turned off. Moreover, roughly 45 percent of respondents to APTS' survey said they will either “do nothing” or “don't know” what option they will take to obtain digital signals. Nineteen percent will purchase a converter box, 17 percent are likely to sign up for cable TV service, and 9 percent will sign up for satellite TV. Another 9 percent indicated they would buy a digital television set so that they can continue to receive over-the-air broadcasts.

Many American households must be motivated to act so that they do not lose TV service after the transition. In June 2007, APTS released additional findings that, if left to their own devices, the 22 million American households that rely upon free, over-the-air television will move slowly to adopt digital TV sets or subscribe to cable or satellite services:

- Only 7% of over-the-air households own a digital television set, compared to 23% who subscribe to cable or satellite. Therefore, few of these households are now equipped to obtain digital TV programming on an over-the-air basis and will be slow in making the change to television sets capable of receiving digital signals
- Over-the-air households have resisted subscription campaigns by cable and satellite companies. The population of over-the-air households has remained virtually unchanged since 2004 at 22.6 million, compared with 22.5 million in the first quarter of 2007.
- In the past three years, over-the-air households purchased new TV sets at about a 12 percent to 13 percent rate each year. In comparison, cable and satellite homes bought new TV sets at an 18 percent rate per year. Therefore, retail point-of-sale efforts to

educate these households about the February 2009 digital transition are likely to have limited impact, given that over-the-air viewers lag in their purchases of TV sets in general, and buying digital sets in particular.

APTS President and CEO John Lawson said, “We need a Y2K-level effort to ensure that people are aware that their older TV sets will go dark in 21 months if they don’t acquire a digital converter, buy a new set or incur the monthly cost of a cable or satellite bill. They also need to know that digital over-the-air television will continue to be free, will offer them many more channels and will give them a better picture even on an older set—if they get a converter box.” [emphasis added]

III. THE COMMISSION MUST ADOPT THE LEADERSHIP POSITION IN THE DTV EDUCATIONAL CAMPAIGN

The success of the DTV transition is dependent upon widespread consumer understanding of the benefits and mechanics of the transition. The Congressional decision to establish a hard deadline of February 17, 2009 for the end of full-power analog broadcasting has made consumer awareness even more critical. The Commission, as recognized in the NPRM, should take whatever steps it can to promote a comprehensive, coordinated, effective, national consumer education campaign that includes both information about the transition taking place and steps to ensure that people with disabilities will not lose access once the transition occurs.

Recognizing that the Commission mandated the transition to DTV broadcasting, it is the Commission’s responsibility to take the lead in ensuring that consumers across the country are aware of the transition and, in the case of people with disabilities, do not lose the captioning access to which they have become accustomed after it occurs. In their letter, Chairmen Dingell and Markey noted that the Commission is the lead agency for the DTV transition and consumer education, and as such, has important responsibilities. The Commission has been considering the matter

of advanced television systems and their impact upon the existing